



4242 MERRICK ROAD, MASSAPEQUA, NEW YORK 11758

ATTORNEYS

JUSTIN M. REILLY, ESQ.
KEITH E. WILLIAMS, ESQ.

Via: EDNY ECF

Honorable Judge Sarah L. Cave
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl St., CR 18A
New York, NY 10007

The Court is in receipt of Plaintiff's Letter-Motion (ECF No. 30) requesting a stay of the deposition deadline and a status conference. In response to Plaintiff's request, the Court orders as follows:

1. The deadline to complete depositions is EXTENDED to **Friday, January 10, 2025**.
2. The parties shall meet and confer regarding Mr. Pretter's continued involvement in this action and file a joint status letter (the "Letter") by **Wednesday, December 4, 2024**. Upon receipt of the Letter, the Court will determine whether a status conference is necessary.

The Clerk of Court is respectfully directed to close ECF No. 30.

SO ORDERED. 11/27/2024


SARAH L. CAVE
United States Magistrate Judge

Re: *Liriano v. Ovadia*; 23-cv-02829 (PGG)(SLC)

Dear Hon. Judge Cave,

I represent Plaintiff in this FLSA action. Kindly accept this correspondence as Plaintiff's status letter and request to hold the deposition deadline in abeyance.

At the Parties' status conference on November 12, 2024, defense counsel and I represented to Your Honor that four (4) Party depositions would be completed by the current November 27 deadline. To that end, I took Defendant Menachem Ovadia's deposition on November 13, 2024, and had planned to depose Defendants Moti Mizrahy and Sigalit Mizrahy on November 25 and 26, respectively. Plaintiff was to be deposed on November 21.

At Defendant Ovadia's deposition, I questioned Mr. Ovadia regarding a lease that is in his name and bears a signature that resembles his own. However, Mr. Ovadia denied signing the lease and asserted that his co-defendant, Mr. Mizrahy, may have forged his signature. After his deposition, defense counsel, David Pretter, Esq., called to inform me that the testimony regarding the lease has likely caused a conflict of interest between his clients and that he – Mr. Pretter – was likely conflicted out of this case. He further informed me that he was likely to file a motion to withdraw as a result and that further depositions could not proceed. To date, however, Mr. Pretter has not filed such a motion and has not updated me on his plans.

As a result, Plaintiff and Defendants Moti Mizrahy and Sigalit Mizrahy's depositions have not been taken. I attempted to contact Mr. Pretter this morning but was told he was in court. Later this afternoon, Mr. Pretter emailed me and said we could discuss the situation tomorrow. However, given the deadline for depositions is tomorrow, I did not think it prudent to wait any longer to update Your Honor and request that the deposition deadline be held in abeyance pending Mr. Pretter's motion to withdraw if he intends to file one.